

# IP Statistics 2021

Seiwa Patent & Law

(Tokyo, JAPAN)

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**Abstract:** This article summarizes recent statistical data in intellectual properties, such as patents, utility models, designs and trademarks, available from the Japan Patent Office (JPO), the Supreme Court of Japan (SCJ), the Intellectual Property High Court (IPHC) and WIPO, etc. This edition mainly includes **updates based on the JPO Status Report 2021 Edition published in March 2021, and the JPO Annual Report 2021 Edition published in July 2021.**

## Highlights:

- The number of patent applications filed in 2020 decreased by 6% (y/y) to about 290,000. However, the number of patent applications filed by non-JP residents did not decrease very much y/y basis. (page 2)
- The number of utility model applications increased by 15% (y/y) to about 6,000. (page 8)
- The number of design applications increased by 0.8% (y/y) to about 32,000, which was led by 44% increase in the number of Hague international design applications. (page 9)
- The number of trademark applications decreased by 5% to about 180,000, due to a decrease in both the number of domestic and Madrid Protocol international trademark applications. (page 11)

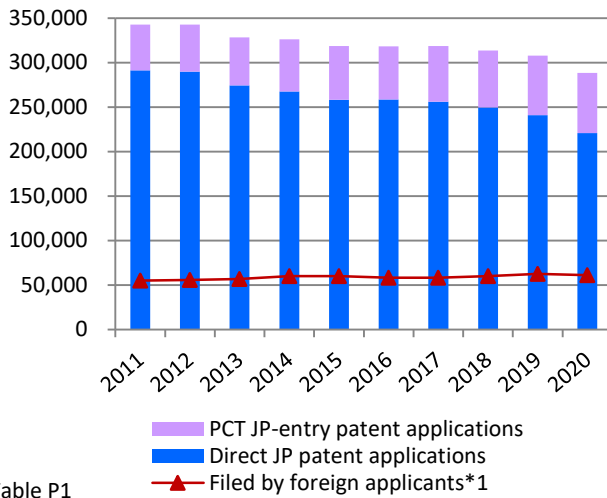
|                |              |
|----------------|--------------|
| Patents        | .... Page 2  |
| Utility Models | .... Page 8  |
| Designs        | .... Page 9  |
| Trademarks     | .... Page 11 |
| Litigation     | .... Page 13 |

# Statistics: Patents

Updated

## Patent applications and registrations at the JPO

Graph P1-1: Patent applications at the JPO



Graph P1-2: Patent registrations at the JPO

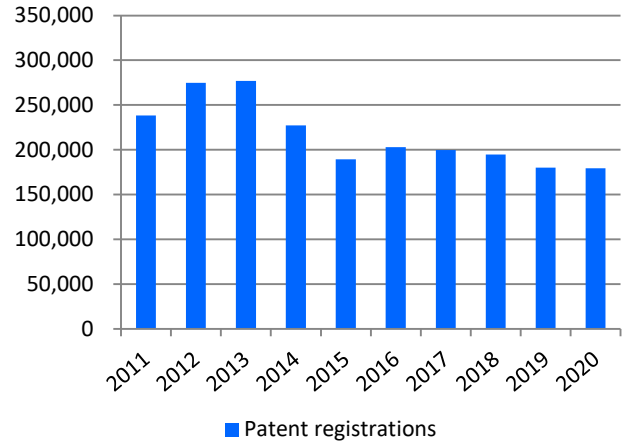


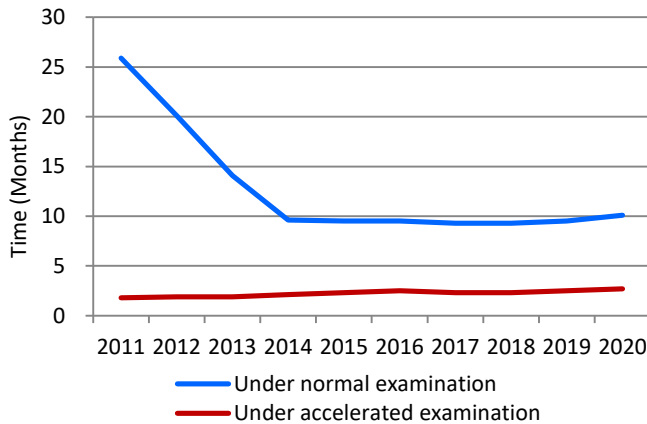
Table P1

| Calendar Year                    | 2016    | 2017    | 2018    | 2019    | 2020    | y/y   |
|----------------------------------|---------|---------|---------|---------|---------|-------|
| JP patent applications in total  | 318,381 | 318,481 | 313,567 | 307,969 | 288,472 | -6.3% |
| PCT JP-entry patent applications | 59,893  | 62,530  | 64,013  | 66,968  | 67,634  | +1.0% |
| Direct JP patent applications    | 258,488 | 255,951 | 249,554 | 241,001 | 220,838 | -8.4% |
| Patent registrations             | 203,087 | 199,577 | 194,525 | 179,910 | 179,383 | -0.3% |

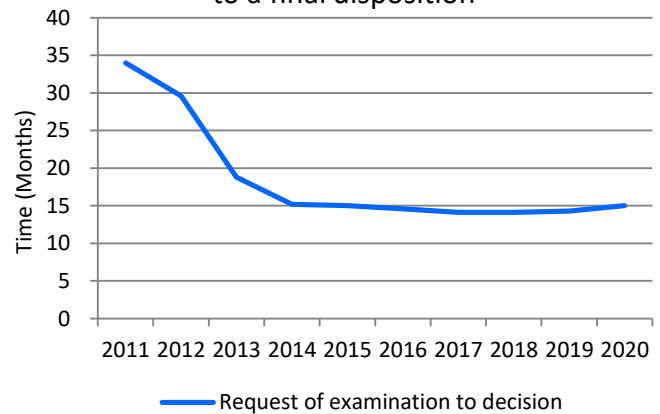
Updated

## Average time of pendency

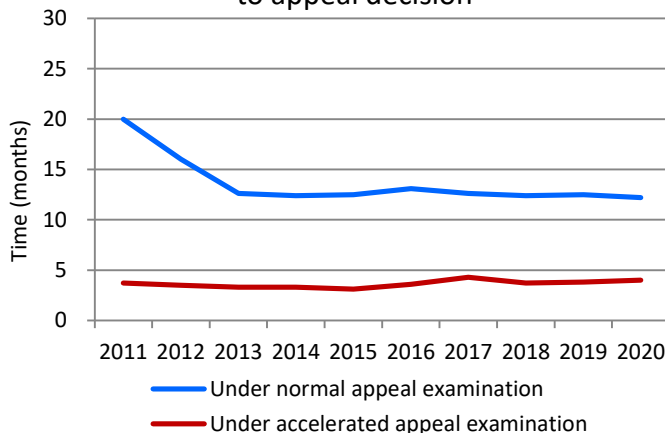
Graph P2-1: Request of examination to 1<sup>st</sup> OA



Graph P2-2: Request of examination to a final disposition\*2



Graph P2-3: Demand of appeal trial to appeal decision



The JPO created “FA 11” campaign in 2004, aimed at reducing the time of pendency to a 1st OA to less than 11 mths, and achieved it in 2014. The JPO set the next decade goal in March 2014, which is further shortening the pendency to the first office action and the total pendency to a final disposition to less than 10 mths and less than 14 mths, respectively, by 2023.

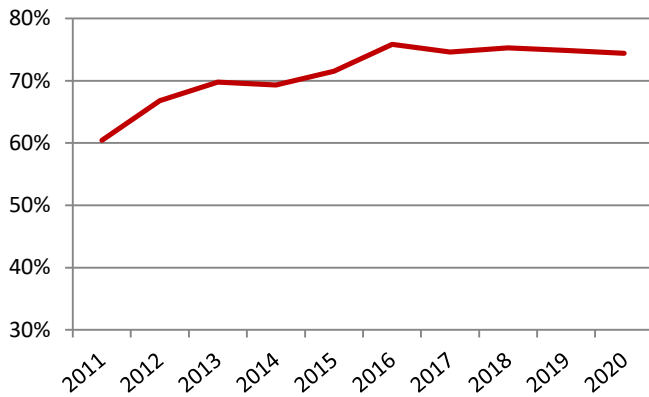
\*1 Sum of PCT JP-entry and direct-JP patent applications filed by foreign applicants.

\*2 Withdrawal/Abandonment or Decision of Allowance or Decision of Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

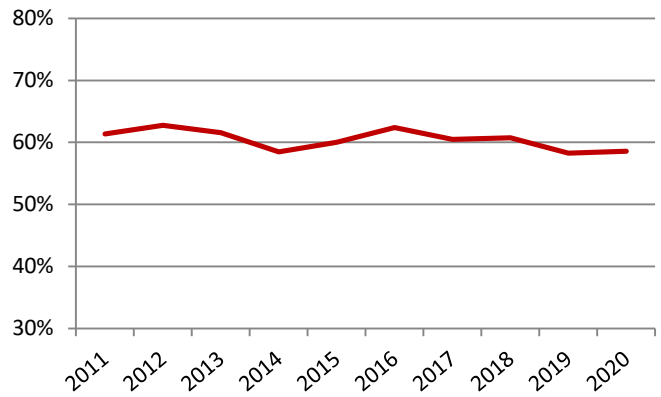
Updated

## Grant rate at the JPO

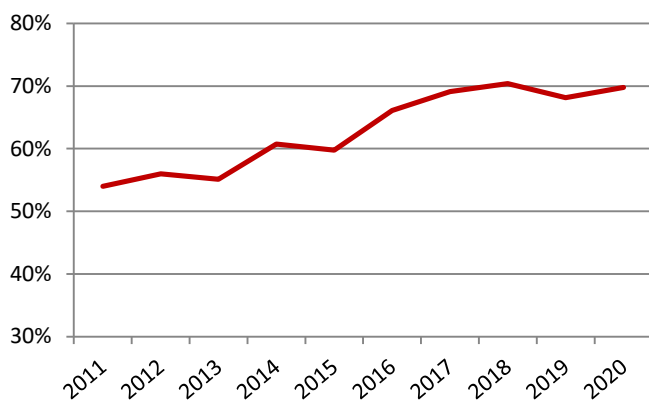
Graph P3-1: Grant rate at examination\*<sup>1</sup>



Graph P3-2: Grant rate at preappeal reexamination\*<sup>2</sup>



Graph P3-3: Grant rate at appeal\*<sup>3</sup>

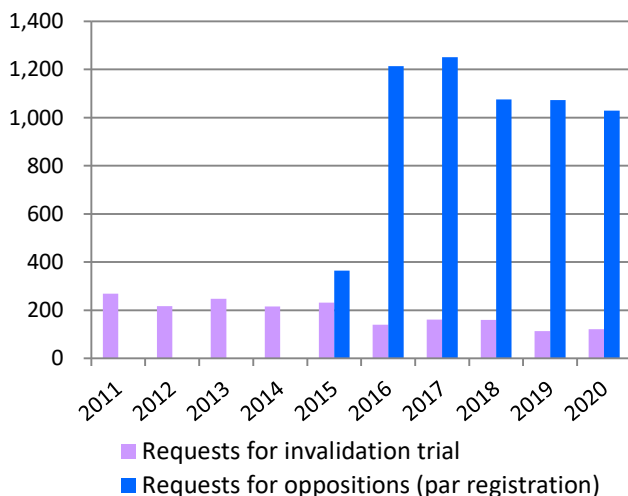


Although the number of the patent applications at the JPO is gradually decreasing, the grant rate is steadily increasing. This is based on various reasons, including changes in the IP strategies of companies from quantity to quality.

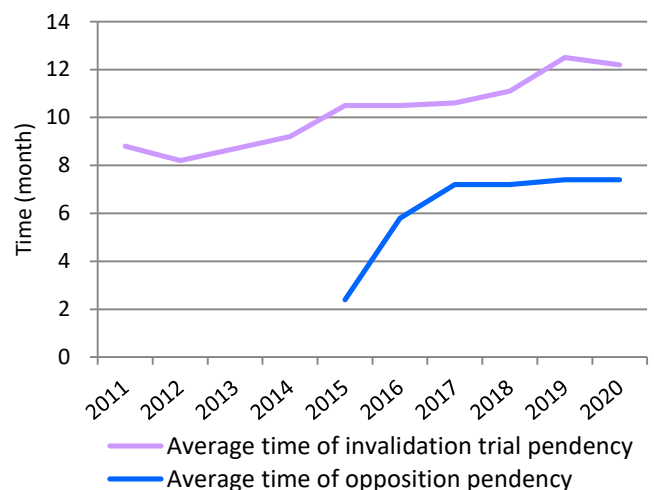
Updated

## Opposition & Invalidation Trial

Graph P4-1: Requests for opposition & invalidation trial



Graph P4-2: Average time of pendency at opposition & invalidation trial\*<sup>4</sup>



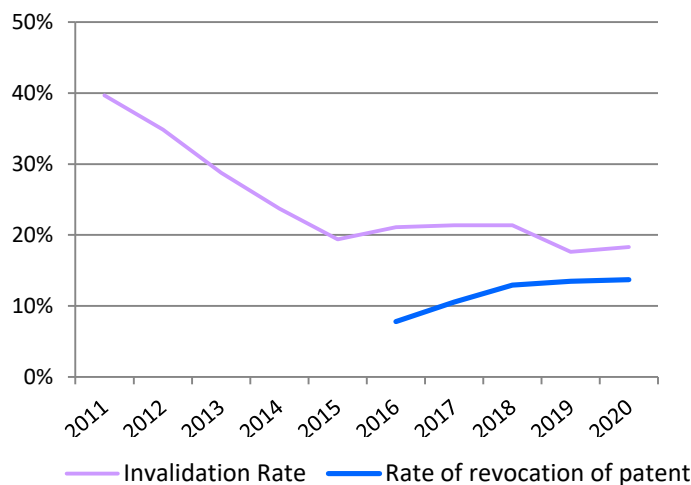
\*1 Grant rate at examination = decisions of grant at examination / (decisions of grant at examination + decisions of rejection at examination + withdrawal or abandonment after request for examination)

\*2 Grant rate at pretrial reexamination = decisions of grant at pretrial reexamination / (decisions of grant at pretrial reexamination + cases transferred to appeal)

\*3 Grant rate at appeal = appeal decisions of grant / (appeal decisions of grant + appeal decisions of rejection)

\*4 Opposition: from request to Notice of Reasons for Revocation (Advance Notice of Decision) or Decision  
Invalidation Trial: from request to Advance notice of Decision or Decision

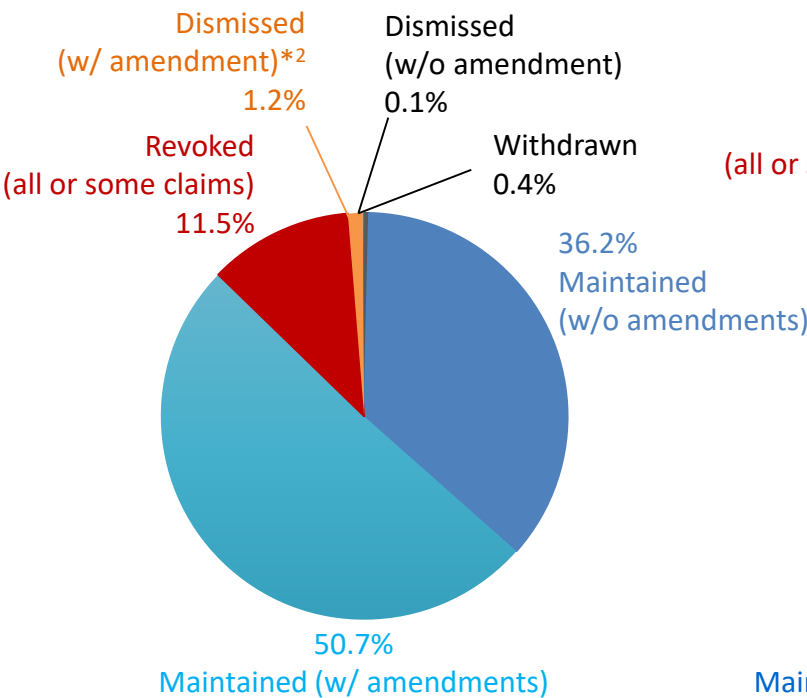
Graph P4-3: Rate of invalidation and revocation of patent (all or some claims)\*<sup>1</sup>



Updated

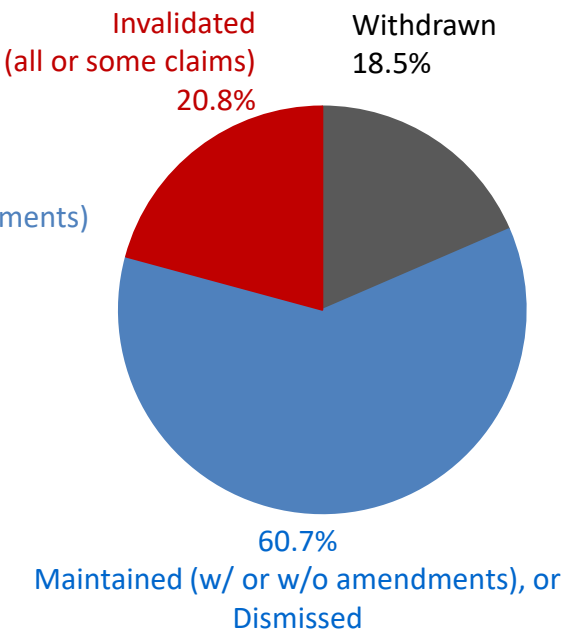
Breakdown of the Results of Oppositions & Invalidation Trials

Graph P4-4: The Results of Oppositions



Outcomes of Oppositions filed from Apr. 2015 to Dec. 2019, calculated at the end of Dec. 2019

Graph P4-5: The Results of Invalidation Trials



Outcomes of Invalidation Trials disposed from Jan. 2016 to Dec. 2020

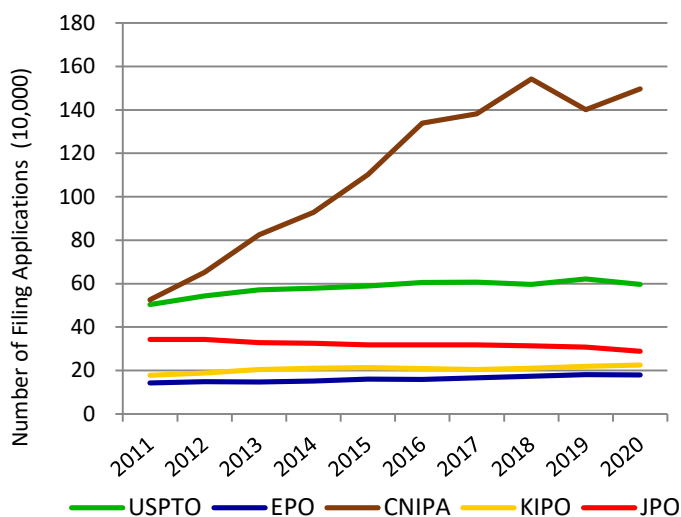
\*<sup>1</sup> Rate of Invalidation of Patent (all or some claims) = Trial Decisions to Invalidate all or some claims of Patent / (Trial Decisions to Invalidate all or some claims of Patent + Trial Decisions to Maintain Patent)  
Rate of invalidation is a three-year moving average.  
Rate of Revocation of Patent (all or some claims) = Trial Decisions to Revoke all claims of Patent / (Trial Decisions to Revoke all or some claims of Patent + Trial Decisions to Maintain Patent)

\*<sup>2</sup> Cases in which all of the claims in question were cancelled and thus which were dismissed.

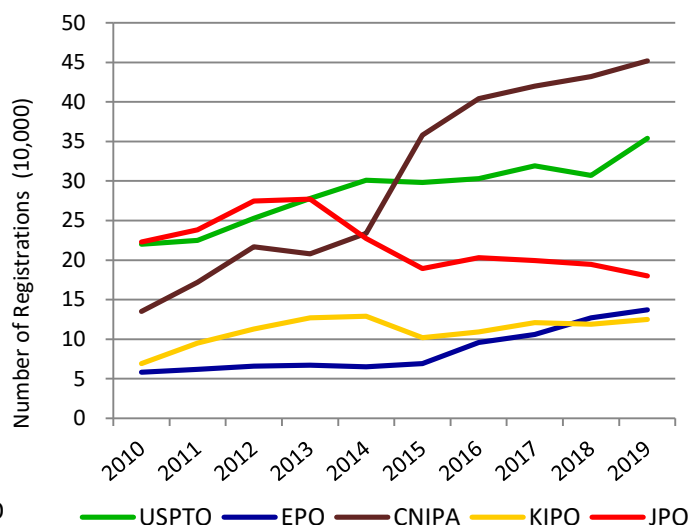
# Comparison between the five IP offices

Updated

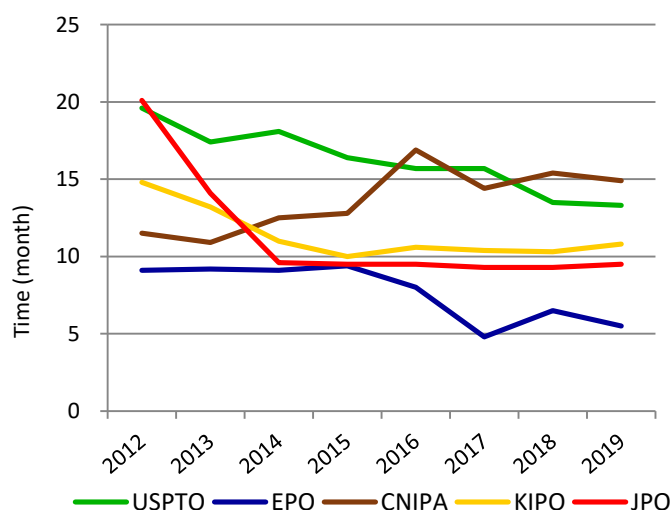
Graph P5-1: Patent applications at the five IP offices



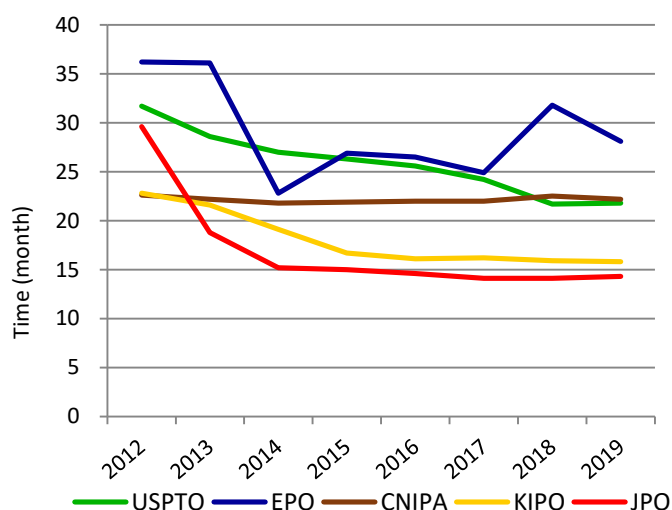
Graph P5-2: Patent registrations at the five IP offices



Graph P5-3: Average time of examination pendency to 1<sup>st</sup> OA\*<sup>1</sup>



Graph P5-4: Average time of examination pendency to disposition\*<sup>2</sup>



\*1 Average time of examination pendency to 1<sup>st</sup> OA:

JPO = average time of from requesting examination to 1<sup>st</sup> OA

USPTO = average time of from filing date to 1<sup>st</sup> OA

EPO = median time of from filing date to Extended European Search Report

KIPO = average time of from requesting examination to 1<sup>st</sup> OA

CNIPA = average time of from starting examination to 1<sup>st</sup> OA

\*2 Average time of examination pendency to decision:

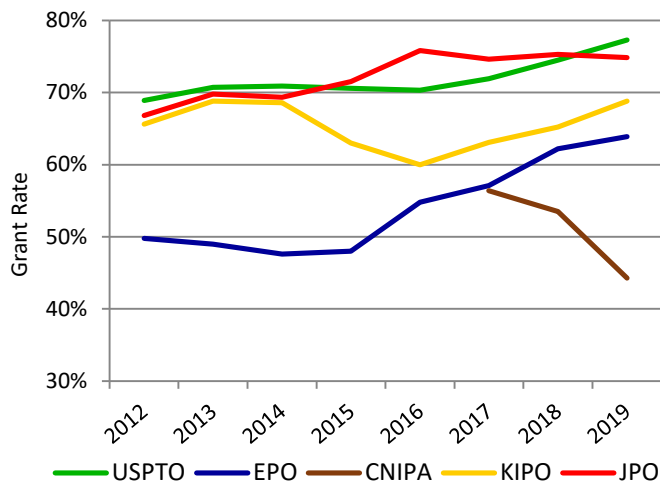
JPO = average time of from requesting examination to withdrawal, abandonment, or Decision of Allowance or Decision of Rejection

USPTO = average time of from filing date to abandonment or a final disposal (including reexamination)

EPO = median time of from starting examination to final disposal

KIPO = (total examination period of patent applications disposed in the year) / (total number of patent applications disposed in the year)

Graph P5-5: Patent grant rate at the five IP offices\*<sup>1</sup>



\*1 Grant Rate at Examination:

JPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Withdrawal or Abandonment after Request for Examination)

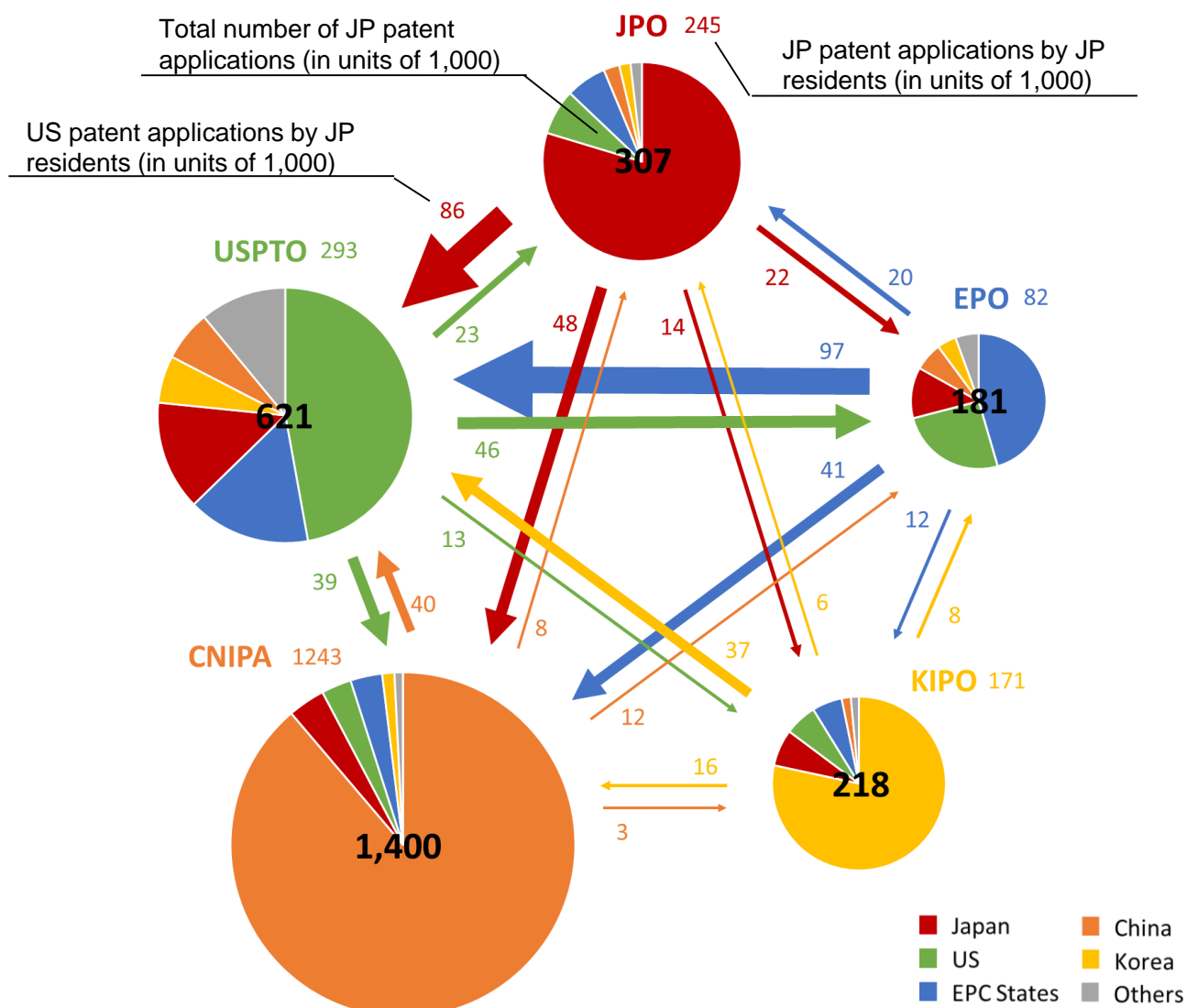
USPTO = Patent Grants / Patent Applications

EPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Abandonment)

KIPO = Decision of Grant at Examination / (Decision of Grant at Examination + Decision of Rejection at Examination + Withdrawal after Request for Examination)

CNIPA does not disclose the definition of the Grant Rate at Examination.

Graph P6: Patent applications filed at the five IP offices by origin\*<sup>2</sup> (in 2019)

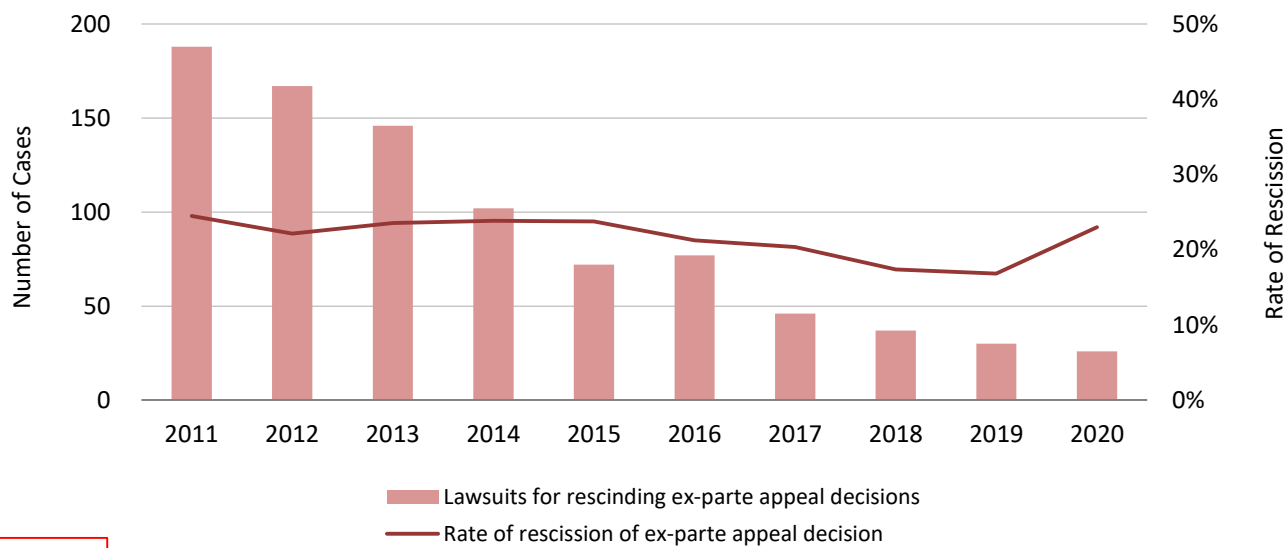


\*2 The data is based on the IP5 Statistics Report 2019 Edition by five IP offices. The origin is based on residence of first named applicants. The amounts were rounded down and given in units of 1,000.

# Lawsuits against the JPO’s Appeal/Trial Decisions in relation to Patent

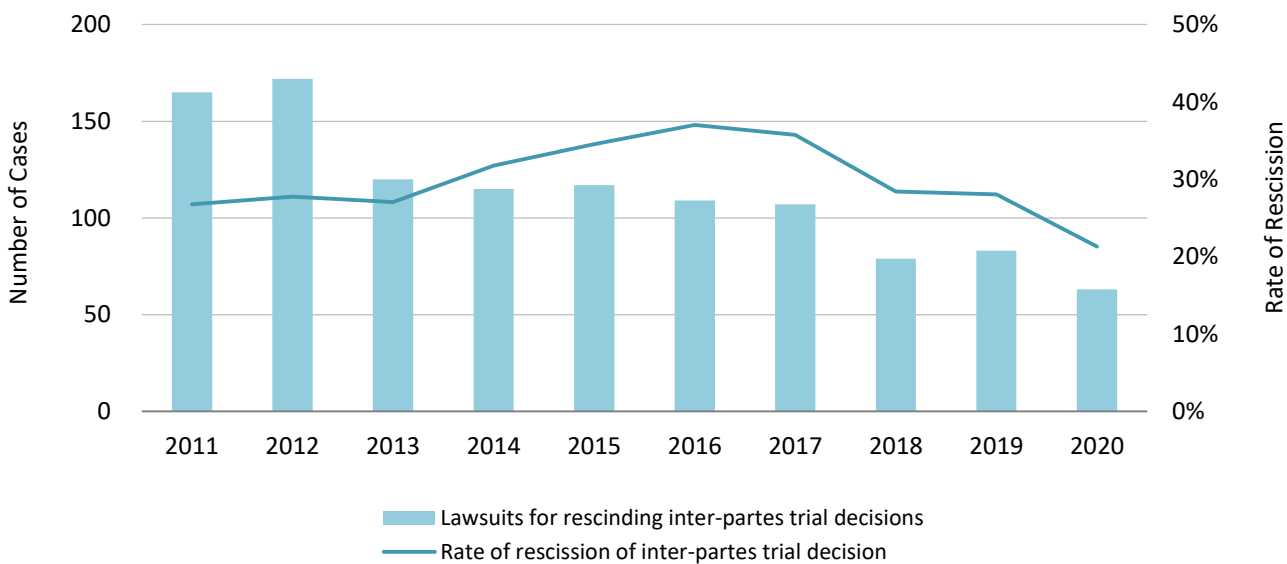
Updated

Graph P7-1: Lawsuits against *Ex-Parte* Appeal/Trial Decisions in relation to Patent Applications and their Total Rate of Rescission\*<sup>1</sup>



Updated

Graph P7-2: Lawsuits against *Inter-Partes* Appeal/Trial Decisions in relation to Patent Rights and their Total Rate of Rescission\*<sup>2</sup>



\*1 These data are based on the annual report 2020 by the JPO, and include lawsuits against Trial Decisions of Rejection and Dismissal of Amendment in relation to patent applications. Rate of rescission is a three-year moving average.

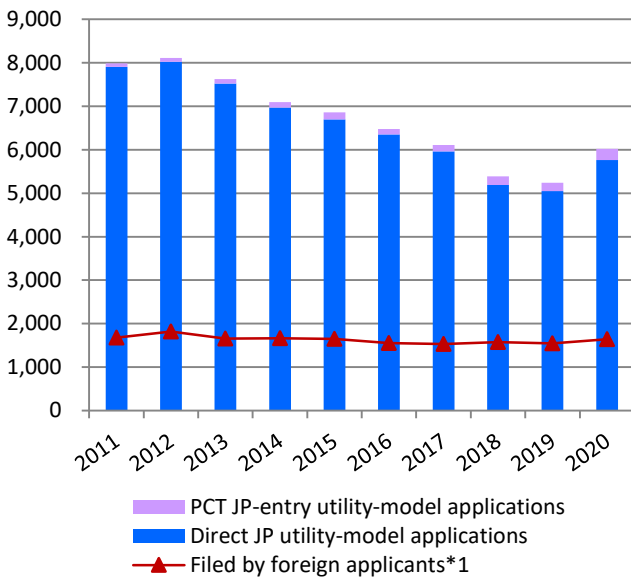
\*2 These data are based on the annual report 2020 by the JPO, and include lawsuits against Trial Decisions of Invalidation and Correction Trials in relation to patent rights. Rate of rescission is a three-year moving average.

# Statistics: Utility Models

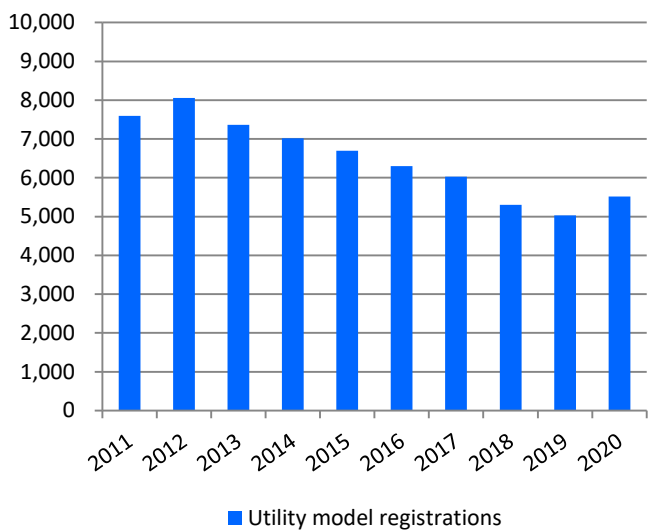
Updated

## Utility model applications and registrations at the JPO

Graph U1-1: Utility model applications at the JPO



Graph U1-2: Utility model registrations at the JPO



The increase in 2020 is attributed to an increase in the number of utility-model applications directed to masks, etc., according to the JPO Annual Report 2021.

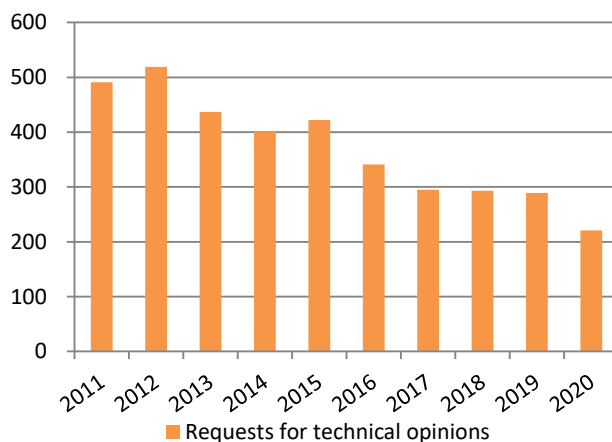
Table U1

| Calendar Year                           | 2016  | 2017  | 2018  | 2019  | 2020  | y/y    |
|---|-------|-------|-------|-------|-------|--------|
| JP utility-model applications in total  | 6,480 | 6,106 | 5,388 | 5,241 | 6,018 | +14.8% |
| PCT JP-entry utility-model applications | 131   | 144   | 199   | 191   | 253   | +32.5% |
| Direct JP utility-model applications    | 6,349 | 5,962 | 5,189 | 5,050 | 5,765 | +14.2% |
| Utility model registrations             | 6,297 | 6,024 | 5,303 | 5,033 | 5,518 | +9.6%  |
| Requests for technical opinions         | 341   | 295   | 293   | 289   | 221   | -23.5% |

Updated

## Requests for Technical Opinions\*2

Graph U2



\*1 Sum of PCT JP-entry and direct-JP utility-model applications filed by foreign applicants.

\*2 A utility model right owner cannot enforce its utility model right without warning an opposing party in advance with indicating a technical opinion by the examiner.

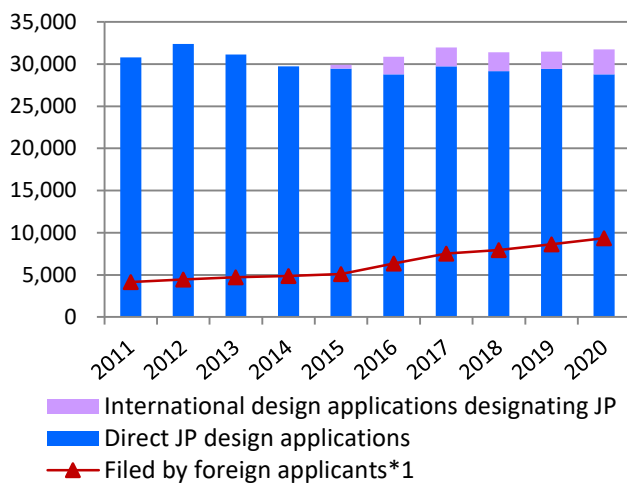


# Statistics: Designs

Updated

## Design applications and registrations at the JPO

Graph D1-1: Design applications at the JPO



Graph D2-2: Design registrations at the JPO

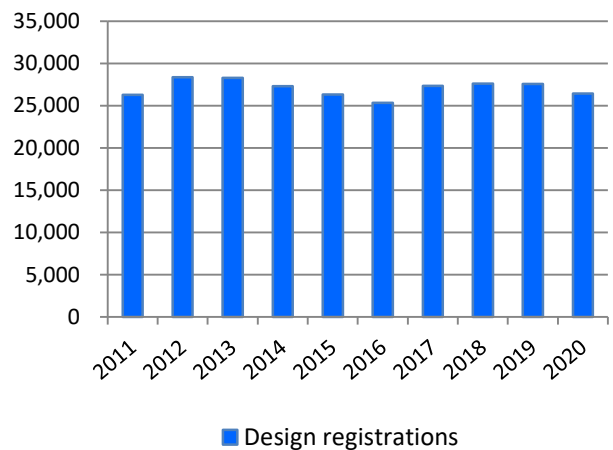


Table D1-1

| Calendar Year                                    | 2016   | 2017   | 2018   | 2019   | 2020   | y/y    |
|--|--------|--------|--------|--------|--------|--------|
| JP design applications in total                  | 30,879 | 31,961 | 31,406 | 31,489 | 31,752 | +0.8%  |
| International design applications designating JP | 2,083  | 2,216  | 2,261  | 2,072  | 2,986  | +44.1% |
| Direct JP design applications                    | 28,796 | 29,745 | 29,145 | 29,417 | 28,766 | -2.2%  |
| Design registrations                             | 25,344 | 27,335 | 27,618 | 27,556 | 26,417 | -4.1%  |

Updated

## The number of applications and registrations for new types of design (from April 1, 2020 to July 1, 2021)

Table D1-2

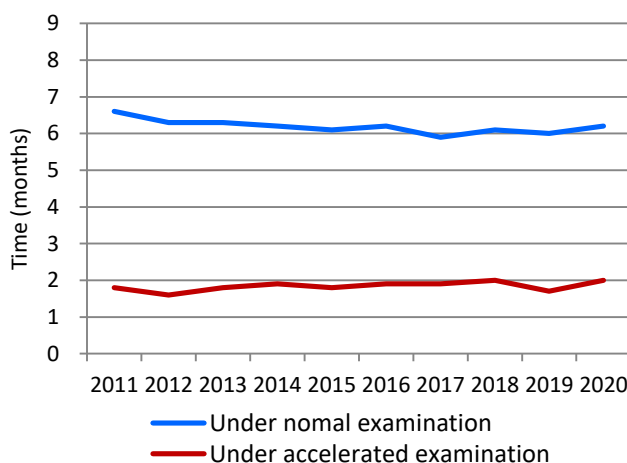
|                  | Applications | Registrations |
|------------------|--------------|---------------|
| Graphic Images   | 1,252        | 309           |
| Buildings        | 444          | 183           |
| Interior Designs | 299          | 58            |

It became possible to protect graphic images, buildings and interior designs from April 1, 2020. This table shows the number of applications and registrations for these new types of design from April 1, 2020 to July 1, 2021.

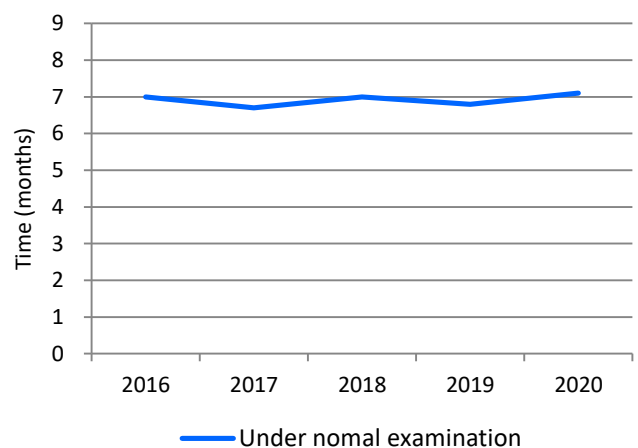
Updated

## Average time of pendency

Graph D2-1: Examination pendency to 1<sup>st</sup> OA



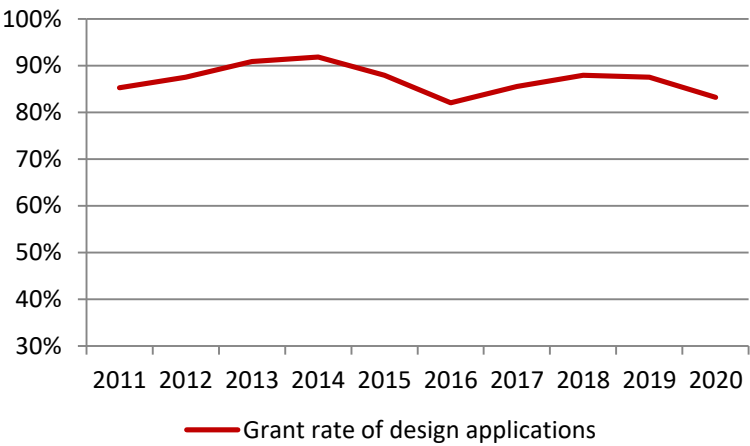
Graph D2-2: Design examination pendency to a final disposition\*2



\*1 Sum of international design applications designating JP and direct-JP design applications filed by foreign applicants.

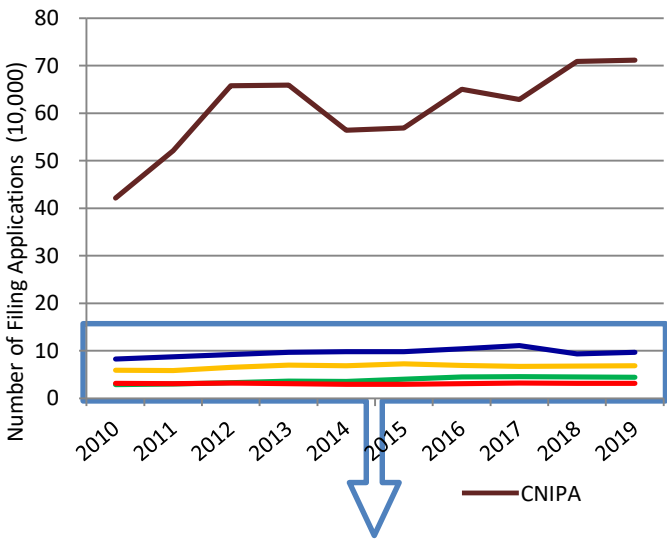
\*2 Withdrawal/Abandonment or Decision of Allowance or Decision of Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

Graph D3: Design grant rate

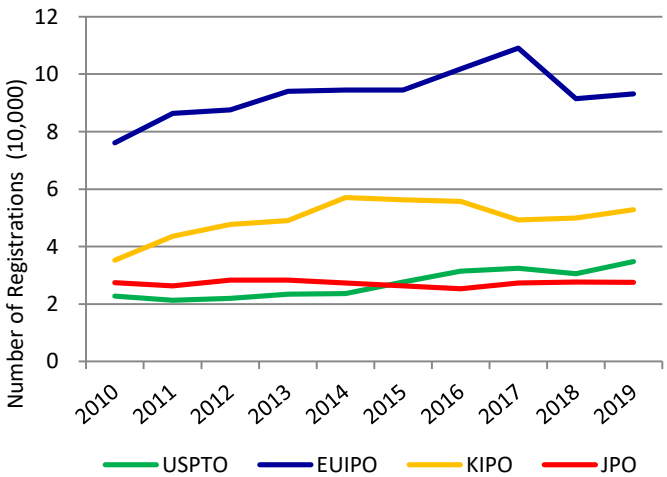
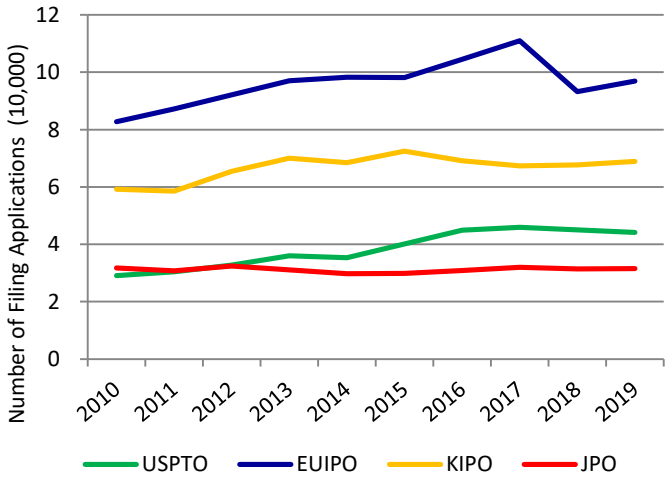
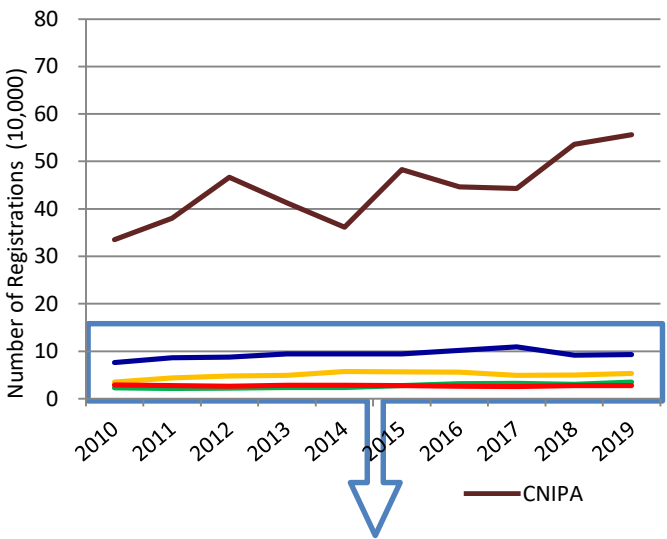


## Comparison between the five IP offices

Graph D4-1: Design applications at the five IP offices



Graph D4-2: Design registrations at the five IP offices



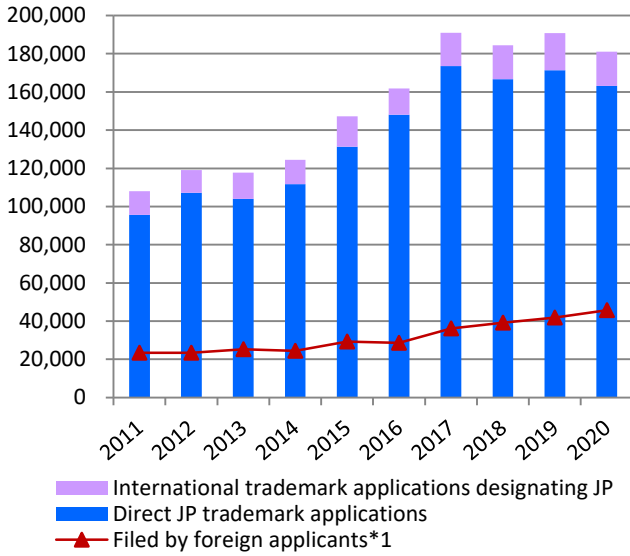
\*1 Grant Rate of Design Applications = Design Registrations / Design Applications

# Statistics: Trademarks

Updated

## Trademark applications and registrations at the JPO

Graph T1-1: Trademark applications at the JPO



Graph T1-2: Trademark registrations at the JPO

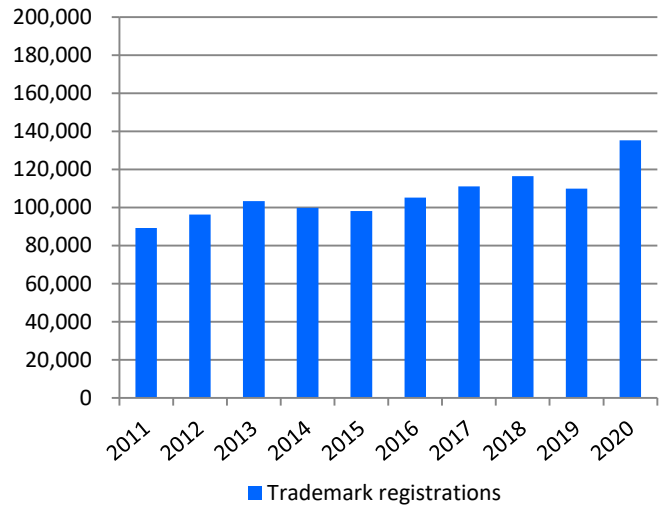


Table T1-1

| Calendar Year                                       | 2016    | 2017    | 2018    | 2019    | 2020    | y/y   |
|---|---------|---------|---------|---------|---------|-------|
| JP trademark applications in total                  | 161,859 | 190,939 | 184,483 | 190,773 | 181,072 | -5.1% |
| International trademark applications designating JP | 13,835  | 17,328  | 17,802  | 19,450  | 17,924  | -7.8% |
| Direct JP trademark applications                    | 148,024 | 173,611 | 166,681 | 171,323 | 163,148 | -4.8% |
| Trademark registrations                             | 105,207 | 111,180 | 116,547 | 109,859 | 135,313 | 23.2% |

Updated

## Trademark applications by different types of trademark\*2

Table T1-2

| Calendar Year           | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 |
|-------------------------|------|------|------|------|------|------|------|------|------|------|
| 3D / Applications       | 196  | 230  | 243  | 265  | 308  | 267  | 295  | 276  | 254  | 285  |
| Registrations           | 93   | 130  | 150  | 146  | 174  | 150  | 141  | 137  | 125  | 155  |
| Sound / Applications    | -    | -    | -    | -    | 365  | 133  | 80   | 51   | 37   | 20   |
| Registrations           | -    | -    | -    | -    | 21   | 74   | 113  | 49   | 32   | 28   |
| Movement / Applications | -    | -    | -    | -    | 80   | 38   | 8    | 26   | 24   | 18   |
| Registrations           | -    | -    | -    | -    | 13   | 47   | 31   | 8    | 17   | 20   |
| Position / Applications | -    | -    | -    | -    | 243  | 80   | 51   | 41   | 44   | 40   |
| Registrations           | -    | -    | -    | -    | 5    | 14   | 21   | 19   | 16   | 15   |
| Color / Applications    | -    | -    | -    | -    | 448  | 42   | 22   | 19   | 6    | 5    |
| Registrations           | -    | -    | -    | -    | 0    | 0    | 2    | 5    | 1    | 0    |
| Hologram / Applications | -    | -    | -    | -    | 14   | 3    | 0    | 2    | 1    | 0    |
| Registrations           | -    | -    | -    | -    | 1    | 8    | 2    | 1    | 2    | 1    |

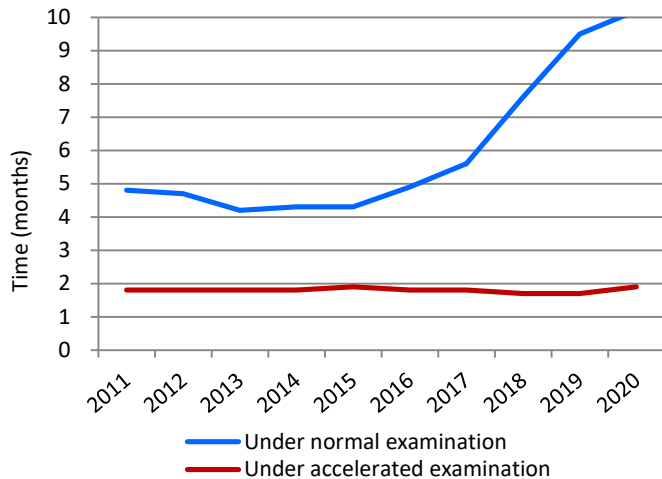
\*1 Sum of international trademark applications designating JP and direct-JP trademark applications filed by foreign applicants.

\*2 These data do not include the numbers of international trademark applications designating JP.

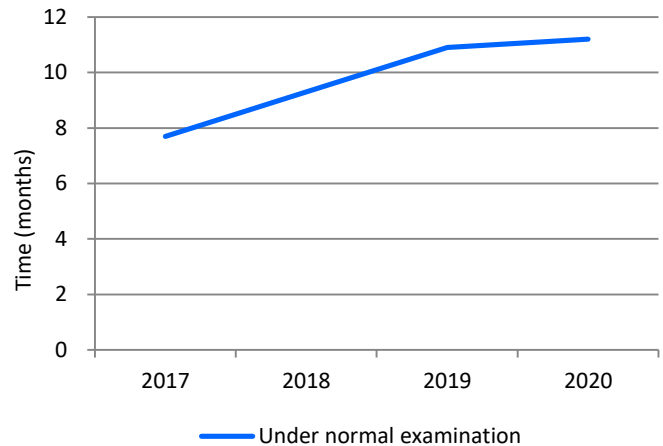
Updated

## Average time of pendency

Graph T2-1: Trademark examination pendency to 1<sup>st</sup> OA\*<sup>1</sup>



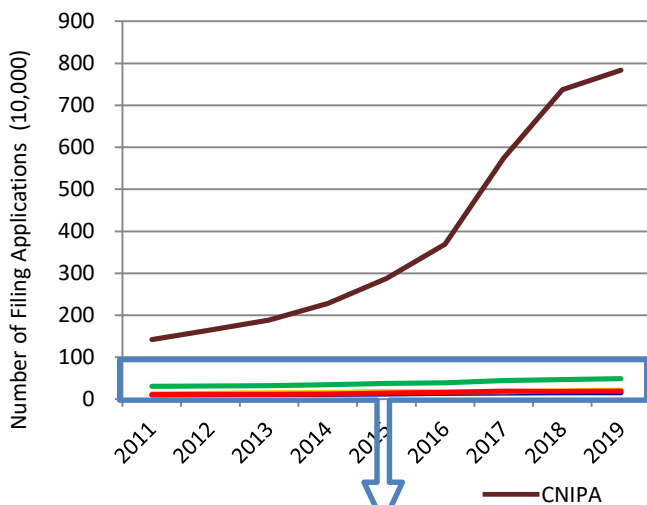
Graph T2-2: Trademark examination pendency to a final disposition\*<sup>2</sup>



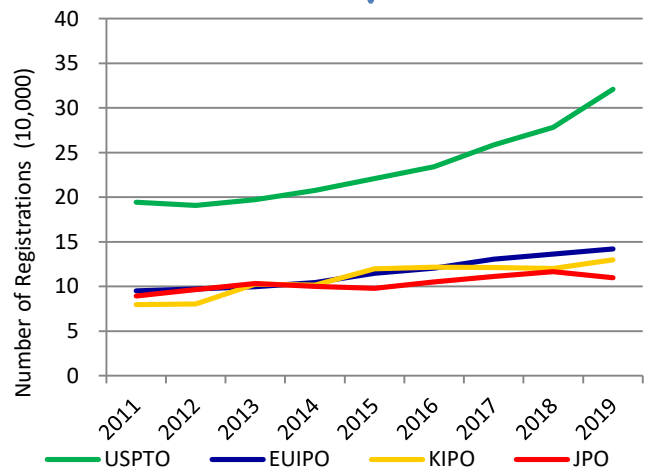
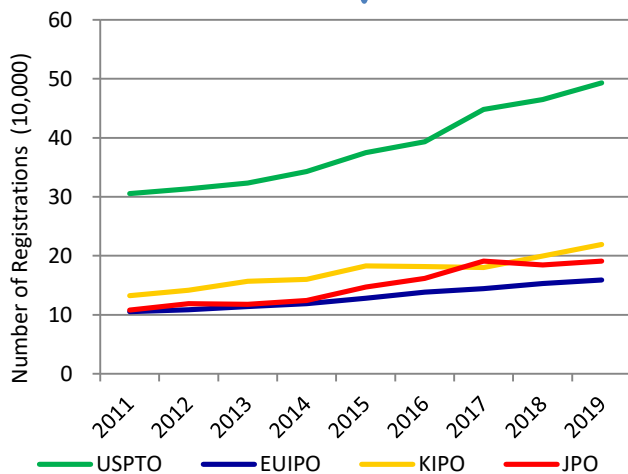
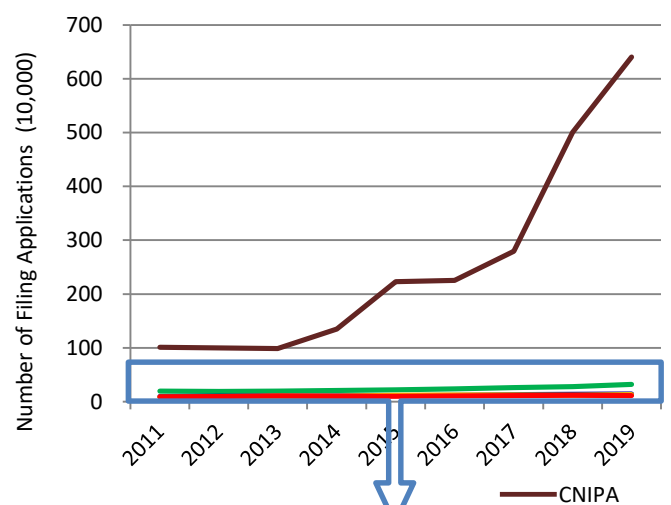
Updated

## Comparison between the five IP offices

Graph T3-1: Trademark applications at the five IP offices



Graph T3-2: Trademark registrations at the five IP offices



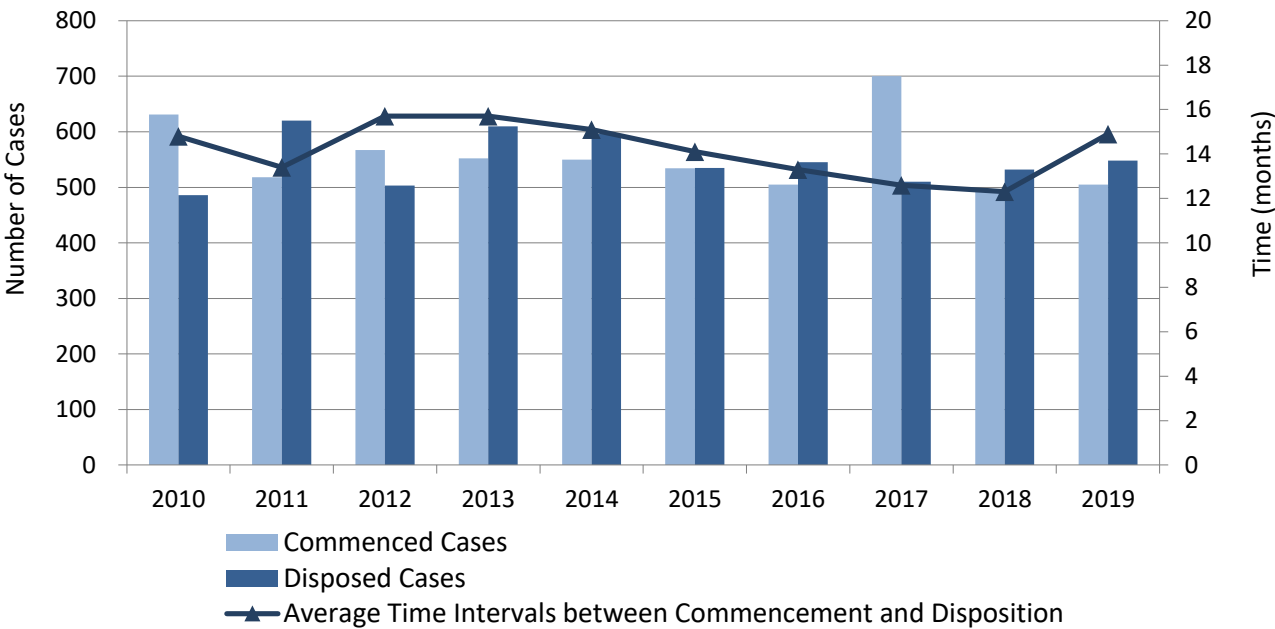
\*1 Applications filed on or after February 1, 2020, and satisfy certain requirements, shall be automatically subject to Fast Track Examination, and a first action will be issued within about six months from the filing date.

\*2 Withdrawal/Abandonment or Decision of Allowance or Rejection. Cases in which the applicant extended a response period for an Office Action are excluded.

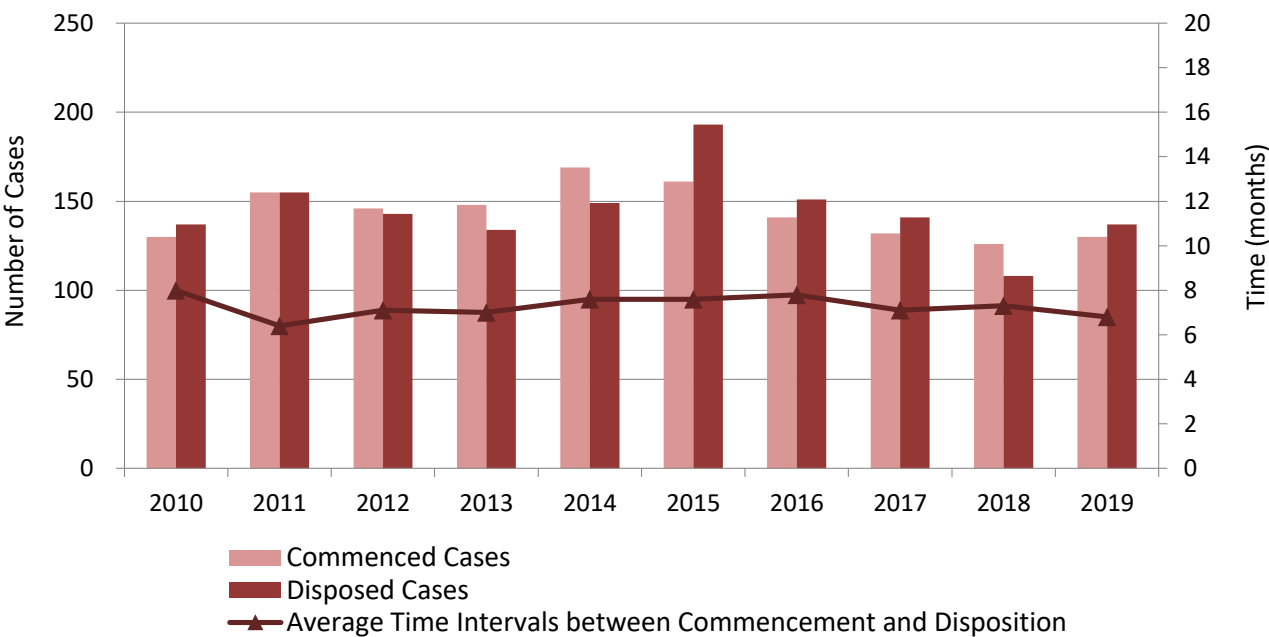
# Statistics: Litigation

## Infringement Suits and other IP-Related Civil Cases\*<sup>1</sup>

Graph L1-1: IP-Related Civil Cases at all District Courts (First Instances)



Graph L1-2: IP-Related Civil Cases at all High Courts (Second Instances)

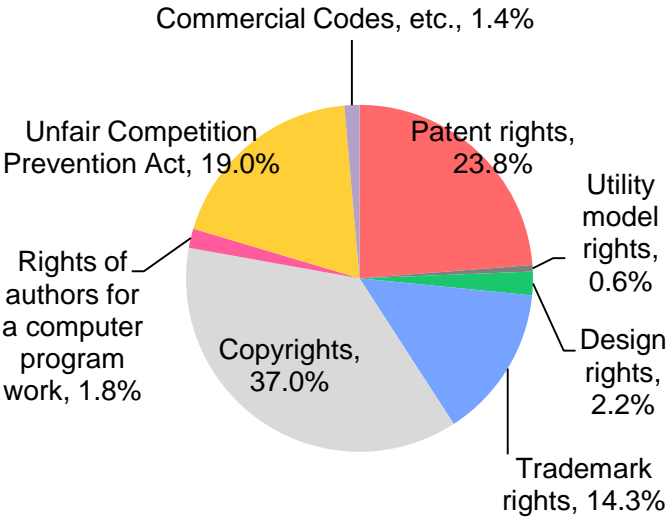


\*<sup>1</sup> These data are based on the annual report 2021 by the Intellectual Property High Court (IPHC), and include all the civil cases relating to patents, utility model registrations, design registrations and trademark registrations.

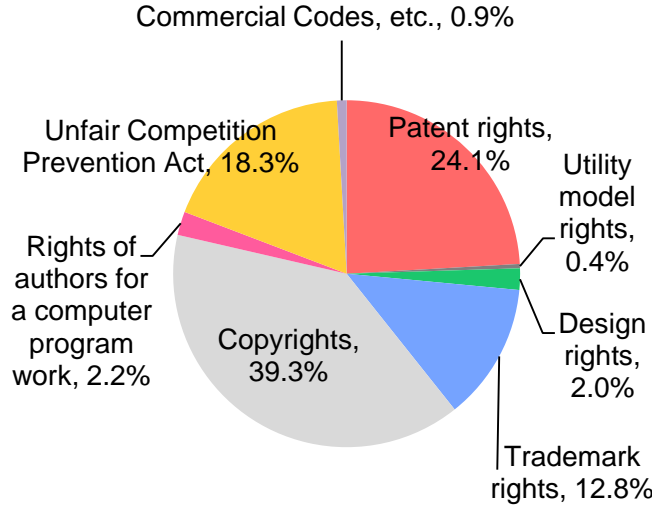
# Breakdown of IP-Related Civil Cases by IP Rights\*<sup>1</sup> (2019)

Graphs L2-1: All District Courts

Commenced

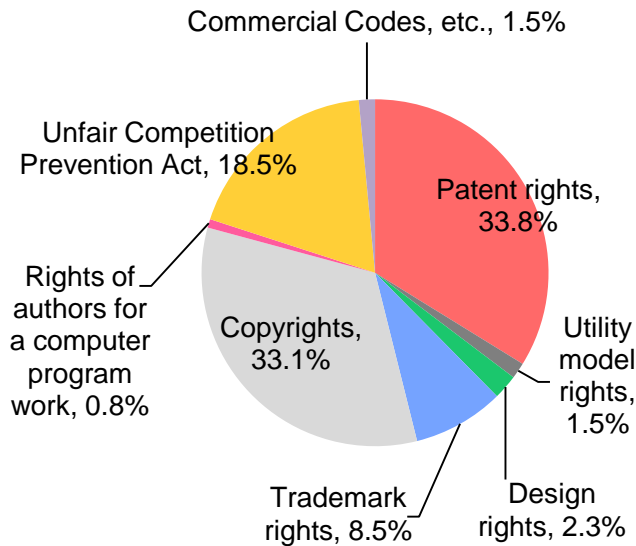


Disposed

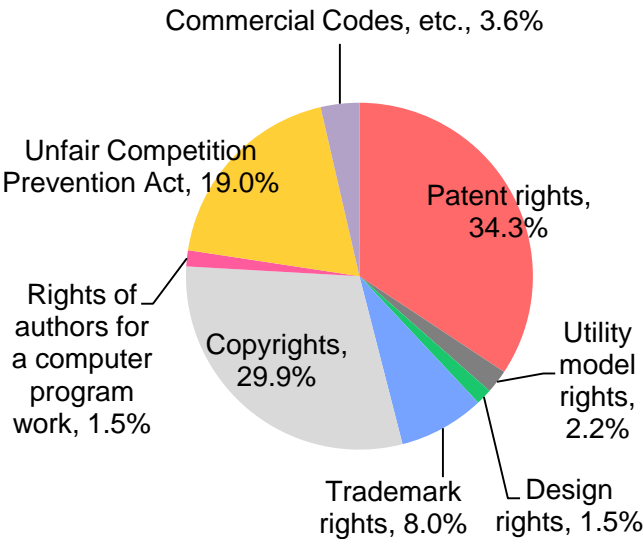


Graphs L2-2: All High Courts

Commenced



Disposed



\*1 These data are based on the report in 2021 by the IPHC, and relate to IP-related civil cases, and thus do not include administrative litigations.

## Graph L3: Breakdown of the Results of Patent Infringement Suits at the Tokyo & Osaka District Courts\*<sup>1</sup> (2014 to 2019)

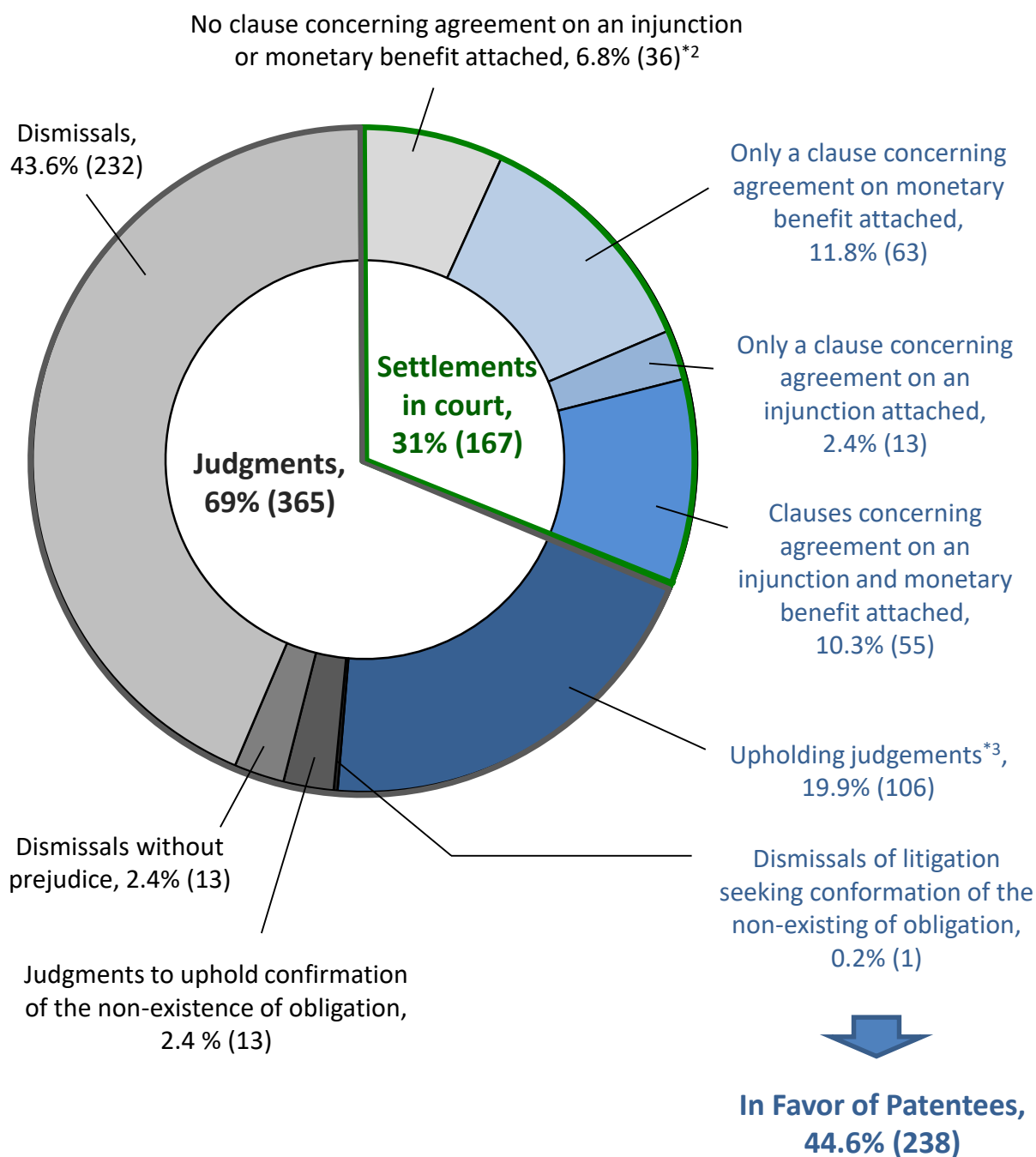


Table L1

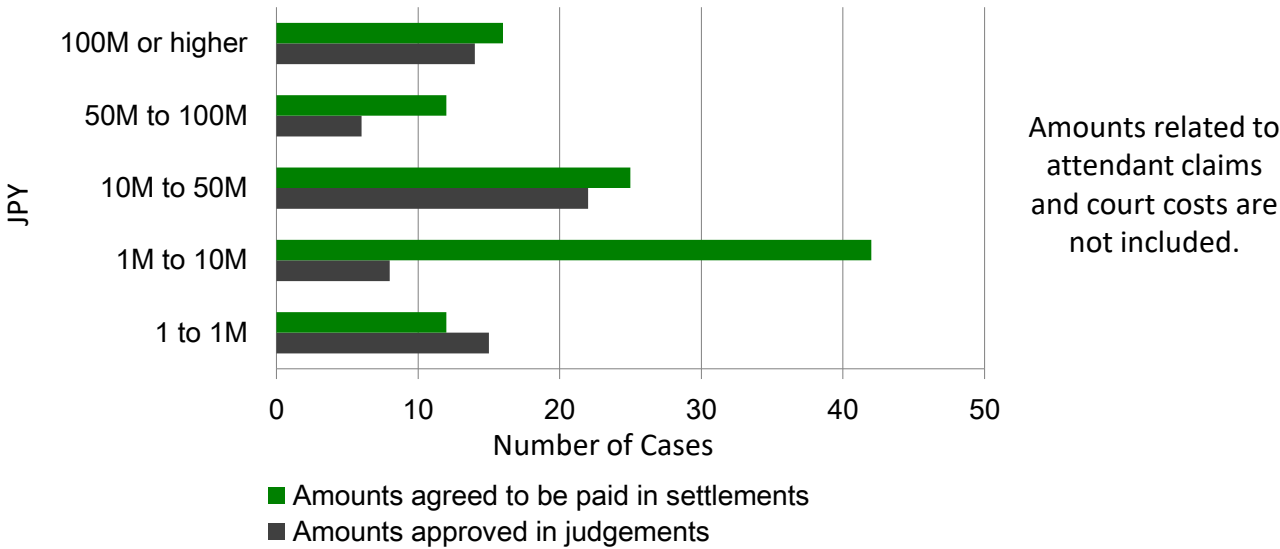
|                               | From 2014 to 2016 | 2017  | 2018  | 2019  |
|-------------------------------|-------------------|-------|-------|-------|
| Results in favor of patentees | 43.3%             | 43.8% | 43.4% | 44.6% |

\*1 These data are based on the annual report 2021 by the IPHC.

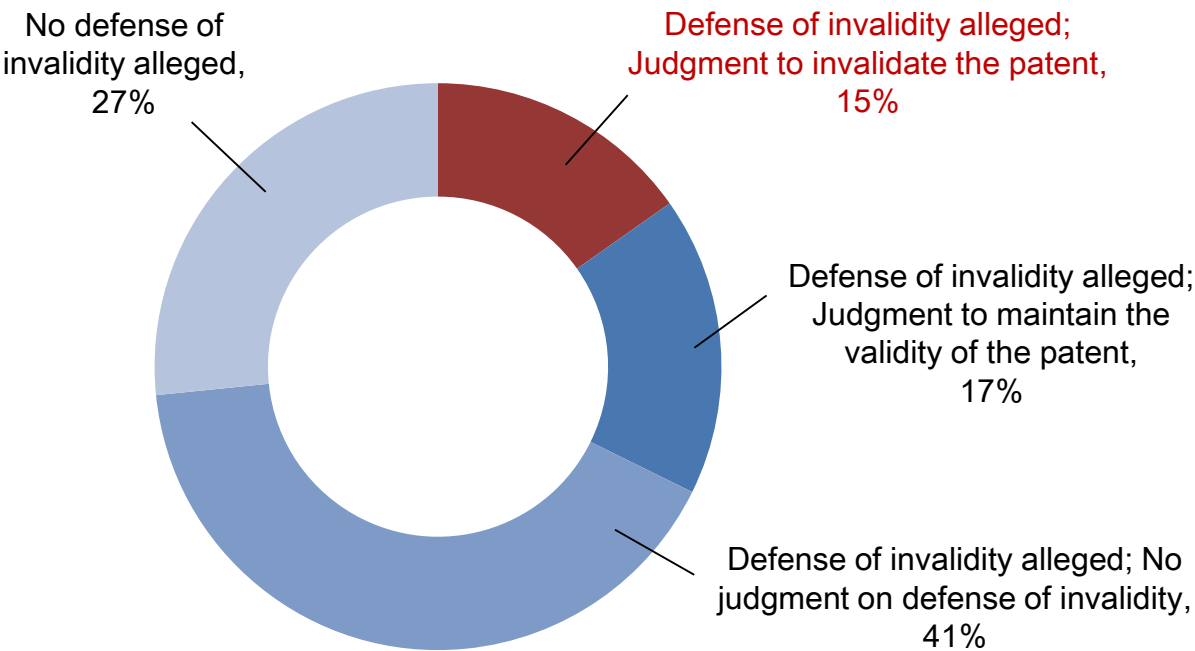
\*2 The numbers in parentheses refer to the total number of cases.

\*3 Upholding judgments include judgements that partially uphold the claim.

Graph L4: Amounts Approved in Judgements and agreed to be paid in settlements in court in patent infringement cases\*<sup>1</sup> (2014-2019)



Graph L5: Whether defense of invalidity was judged and how it was judged in patent infringement cases\*<sup>1</sup> (2014 to 2019)



Each number indicated presents the total number of patent rights claimed in cases concluded by final judgments. For example, if two patent rights were claimed in one patent infringement case, the number of patent rights is counted as two.

\*<sup>1</sup> These data are based on the annual report 2021 by the IPHC.